

CR 15

00 328

BLF

HRL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

JUAN GUTIERREZ

INDICTMENT

Count One:

18 U.S.C. §§ 922(g)(1) and 924(a)(2) – Unlawful
Possession of Ammunition by Convicted Felon

A true bill.



Foreperson

Filed in open court this
A.D. 2015

18 day of June



United States Magistrate Judge

Bail. \$

NO process



MELINDA HAAG (CABN 132612)
United States Attorney

FILED
JUN 18 P 1:49
CLERK OF DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

CR 15

NO.

00 328

BLI

Plaintiff,

v.

JUAN GUTIERREZ,

Defendant.

VIOLATIONS: 18 U.S.C. §§
922(g)(1) and 924(a)(2) – Unlawful
Possession of Firearms or Ammunition
by Convicted Felon; 18 U.S.C.
§ 924(d)(1) – Criminal Forfeiture

HRL

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. §§ 922(g)(1) and 924(a)(2) – Unlawful Possession of Ammunition by
Convicted Felon)

On or about June 2, 2015, in the Northern District of California, the defendant,

JUAN GUTIERREZ,

having been convicted of a crime punishable by imprisonment for a term exceeding one year did
knowingly possess in and affecting interstate and foreign commerce, multiple rounds of ammunition, in
violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

INDICTMENT

1 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d)(1) – Forfeiture)

2 The allegations contained in Count One of this Indictment are hereby realleged and incorporated
3 by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section
4 924(d)(1).

5 Upon a conviction for the offense alleged in Count One of this Indictment, the defendant,
6 JUAN GUTIERREZ,
7 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d)(1),
8 any ammunition involved in or used in any knowing violation of said offense, including but not limited
9 to any and all ammunition seized from 863 Benton Street, Santa Clara, CA, on June 2, 2015.

10 All pursuant to 18 U.S.C. § 924(d)(1) and Federal Rule of Criminal Procedure 32.2.

11
12 Dated: June 18, 2015

A TRUE BILL.

13
14 
FOREPERSON

15 MELINDA HAAG
16 United States Attorney

17 
JEFF NEDROW
18 Chief, San Jose Branch Office

19 (Approved as to form: )
20 AUSA MARISSA HARRIS

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

18 U.S.C. §§ 922(g)(1) and 924(a)(2) - Unlawful Possession of Firearms or Ammunition by Convicted Felon

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**PENALTY:**10 years imprisonment
\$250,000 fine
3 years supervised release
\$100 Special Assessment Fee**CR 15**

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

JUAN GUTIERREZ

DISTRICT COURT NUMBER

00328 BLF**HRL****PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Tae-Kyun Kim - ATF

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under**5:15-70700-MAG**

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

AUSA Marissa Harris

IS NOT IN CUSTODY1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: